

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 01-05-04

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-6
ITEM DESCRIPTION: Amendment to General Development Plan #83, known as the Arboretum by Cordul Establishment and Michael Younge. The applicant is proposing to add approximately 3.08 acres of land to the Arboretum Special District (SD#1) and amend the General Development Plan to designate the property for "commercial" uses. The applicant is also requesting a Substantial Land Alteration permit to change grades on the site by 10 feet or more. The property is located north of 41 st Street NW, east of Arboretum Drive NW.		PREPARED BY: Theresa Fogarty, Planner

December 29, 2003

NOTE: See CPZC minutes from previous Special District Amendment request.

City Planning and Zoning Commission Recommendation:

On December 10, 2003, the City Planning and Zoning Commission reviewed this amendment to General Development Plan #83 known as the Arboretum.

The applicants representative, Mr. Wade Dumond of Yaggy Colby Associates, addressed the Commission and stated that the applicant was in agreement with the staff-recommended conditions.

The Commission reviewed this proposal according to the criteria listed in Paragraph 61.215 of the Zoning Ordinance and Land Development Manual.

Ms. Rivas moved to recommend approval of amendment to General Development Plan #83, known as Arboretum by Cordul Establishment and Michael Younge, with the staff-suggested findings and conditions. Mr. Burke seconded the motion. The motion carried 9-0.

Conditions:

1. *Development of this property shall required platting.*
2. *The water mains must be extended to adjacent properties, per Rochester Public Utilities requirements. Specific routing of public utilities will be addressed during the platting process.*
3. *The Owner shall provide a 5 foot wide concrete sidewalk along the entire frontages of the property abutting Arboretum Drive NW and 41st Street NW.*
4. *The proposed access road to 41st Street NW does not align with the approved controlled access opening identified on the Trailridge @ 41st by IRET Plat. If the proposed access location is approved, vacation of the existing controlled access and new dedication of controlled access along the remaining frontage of 41st Street NW will be required through the platting process.*
5. *The proposed access to 41st Street NW shall be a private drive, and based on the trip generation from the site, modification may be required that would limit access to right in & right out traffic, and require the Owner to construct a right turn lane on 41st Street NW. A new Traffic Impact Report (TIR) may be required to address the proposed land use change from residential to commercial uses.*
6. *A Development Agreement has previously been executed for that part of this Property included in the Trailridge @ 41st by IRET Plat. The existing Agreement was based on proosed residential development. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City for the entire Property, that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, pedestrian facilities, right-of-way dedication, access control, extension of utilities for adjacent properties and contributions for public infrastructure.*

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

7. ***Grading and Drainage Plan approved is required for future development on this Property.***
8. ***Storm Water Management must be provided for any future development, and a Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP), for any areas of impervious surface that do not drain to an existing privately constructed detention facility approved to serve this Property.***
9. ***A separate surety in an amount and form approved by the City Engineer, shall be required for the proposed Substantial Land Alteration (SLA), unless the restoration work for the SLA is specified by the Owner's Contractor as being included in the Bonds for the City-Owner Contract required for basic construction within this development.***

Planning Staff Recommendation:

See attached staff report dated December 5, 2003.

Council Action Needed:

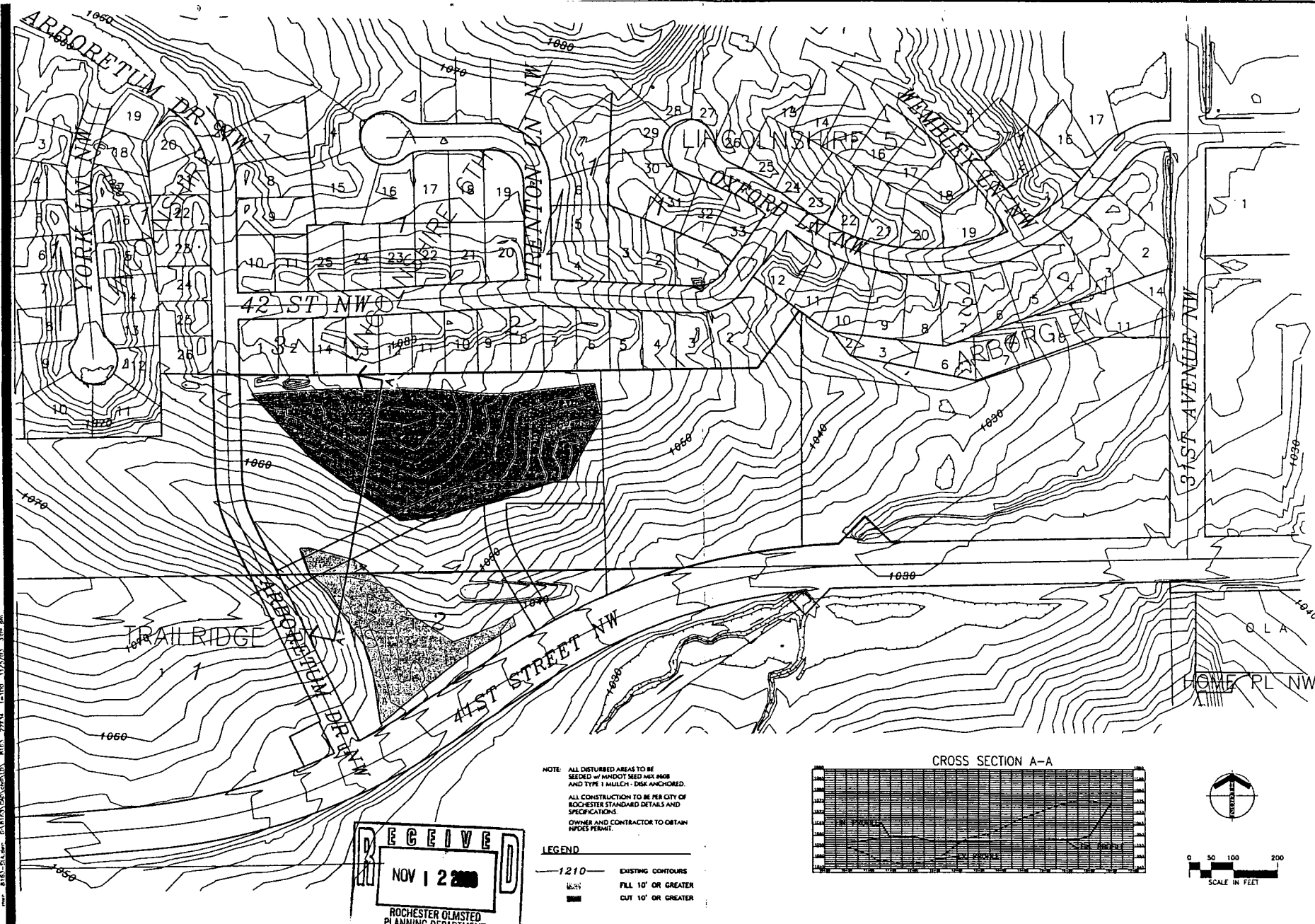
1. ***The Council may approve, approve with conditions, or deny the amended general development plan. The Council must make findings based on the criteria listed in Paragraph 61.215.***
2. ***If the Council wishes to proceed with the amended general development plan as proposed, it should instruct the City Attorney to prepare a resolution for Council approval.***
3. ***The Council should include a motion to adopt findings to support either approval or denial of the proposed Substantial Land Alteration Activity.***

Attachments:

1. Staff Report dated December 5, 2003.
2. Minutes of December 10, 2003 CPZC Meeting.

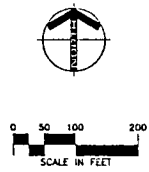
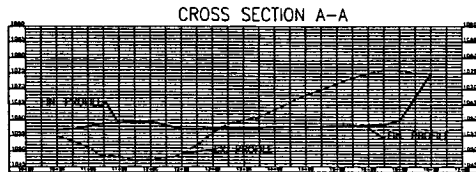
Distribution:

1. City Clerk
2. City Administrator
3. City Attorney
4. Planning Department File
5. Applicant: This item will be considered some time after 7:00 p.m. on Monday, January 5, 2004 in the Council / Board Chambers in the Government Center at 151 4th Street SE.
6. Yaggy Colby Associates



NOTE: ALL DISTURBED AREAS TO BE SEEDS w/ MANDOT SEED MIX #808 AND TYPE 1 MULCH - DISK ANCHORED. ALL CONSTRUCTION TO BE PER CITY OF ROCHESTER STANDARD DETAILS AND SPECIFICATIONS. OWNER AND CONTRACTOR TO OBTAIN NPDES PERMIT.

LEGEND
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 ROCHESTER OLNSTED
 PLANNING DEPARTMENT

YAGGY COLBY ASSOCIATES

ENGINEERS • ARCHITECTS
 SURVEYORS • PLANNERS
 LANDSCAPE ARCHITECTS
 717 THIRD AVENUE SOUTHEAST
 ROCHESTER, MINNESOTA 55904
 507-288-8441
 FAX 507-288-5018
 E-MAIL: INFO@YAGGY.COM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

NUMBER DATE

CORDUL/RET PROPERTIES
 ROCHESTER, MINNESOTA
SUBSTANTIAL LAND ALTERATION

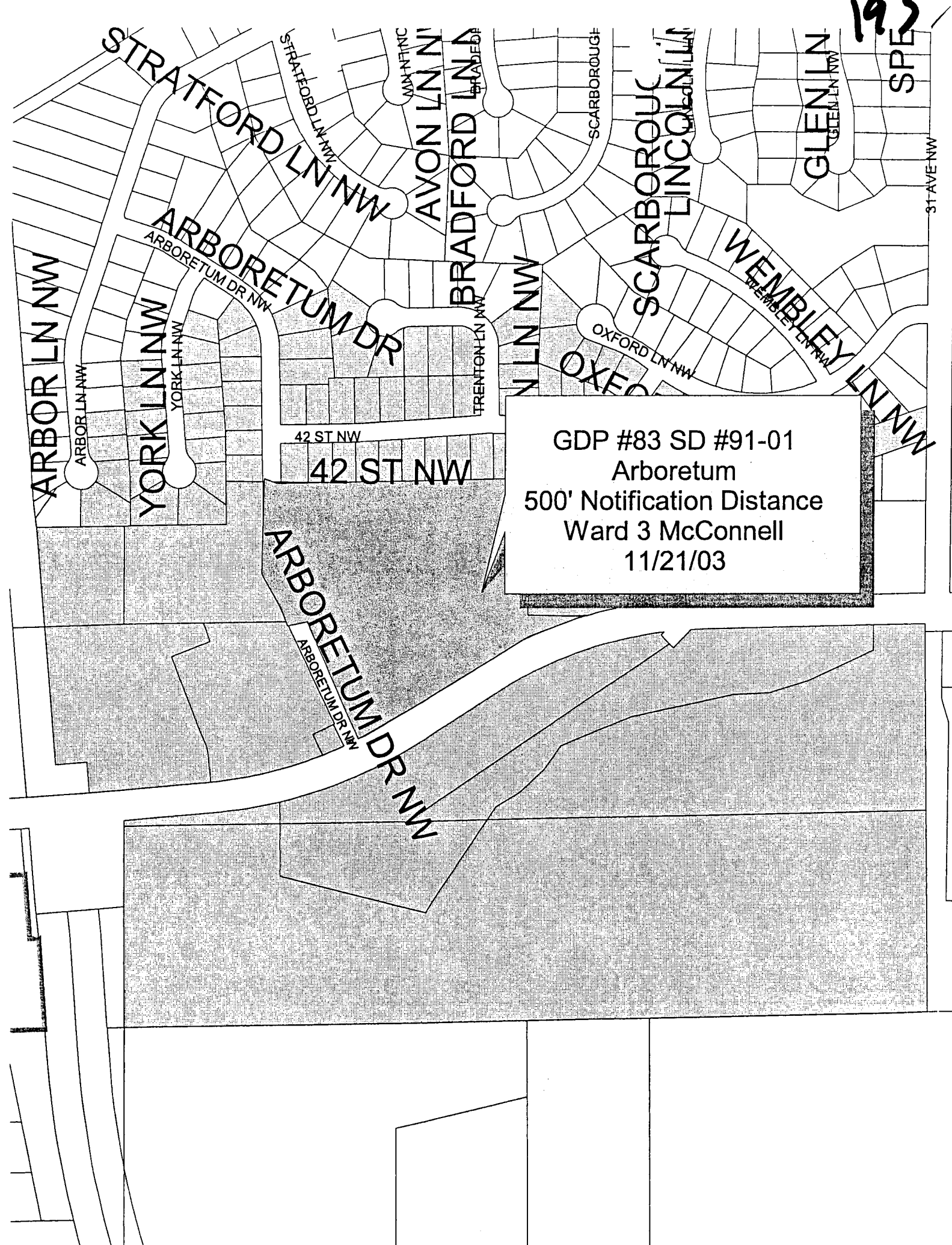
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SHEET NUMBER
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 OF ONE SHEETS

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GDP #83 SD #91-01
Arboretum
500' Notification Distance
Ward 3 McConnell
11/21/03

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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE: December 5, 2003

RE: Amendment to General Development Plan #83, known as the Arboretum by Cordul Establishment and Michael Younge. The applicant is proposing to add approximately 3.08 acres of land to the Arboretum Special District (SD#1) and amend the General Development Plan to designate the property for "commercial" uses. The applicant is also requesting a Substantial Land Alteration permit to change grades on the site by 10 feet or more. The property is located north of 41st Street NW, east of Arboretum Drive NW.

Planning Department Review:

Applicant/Owner:

Michael Younge
2410 Gates Drive SW
Rochester, MN 55902

Consultants:

Yaggy Colby Associates
717 3rd Avenue SE
Rochester, MN 55904

Size and Location:

The property is located north of 41st Street NW, east of Arboretum Drive NW and includes approximately 3.08 acres of land.

Existing Land Use:

The site is presently undeveloped.

Proposed Use:

Future commercial development.

Land Use Plan:

The Rochester Urban Service Area Land Use Plan designates a portion of this property as suitable for "low density residential" and "medium density residential" as the underlying uses located within the Arboretum Special District (SD #1).

Zoning:

A portion of this property is currently located within the Arboretum Special District (SD #1). The applicant has petitioned to amend the southern portion (approximately 3.08) to the Arboretum Special District (SD #1). The southern portion of the GDP is currently zoned R-3 (Medium Density Residential).



Roadways:

The proposed "Public or Private" access road to 41st Street NW does not align with the approved controlled access opening identified on the Trailridge @ 41st Street by IRET Plat. If the proposed access location is approved, vacation of the existing controlled access, and new dedication of controlled access along the remaining frontage of 41st Street NW will be required through the platting process.

The proposed access to 41st Street NW should be a private drive, and based on the trip generation form the site, modifications may be required that would limit access to right in and right out traffic, and require the Owner to construct a right turn lane at 41st Street NW.

A new Traffic Impact Report (TIR) may be required to address the proposed land use change from residential to commercial uses.

Pedestrian Facilities:

In accordance with current City policy, the Owner is obligated to provide a 5 foot wide concrete sidewalk along the entire frontages of the property abutting 31st Avenue NW and 41st Street NW.

Drainage:

Grading and Drainage Plan approval is required for future development on this property.

Storm Water Management must be provided for any future development, and a Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP), for any areas of impervious surface that do not drain to an existing privately constructed detention facility approved to serve this property.

Wetlands:

A Wetland delineation is on file with the Planning Department and a No-Loss Exemption, or Replacement Plan has been submitted to the Planning Department. A wetland found on the northwest edge of the property that is less than 2000 square feet in area is exempt as reference in file #99-19.

Public Utilities:

This property is within both the Main Level Water System Area, which is available along the entire south side and the Intermediate Level Water System Area, which is available within Arboretum Drive NW. Networking for this area from either or both of these systems is required to provide adequate flows for fire protection and water quality.

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- Public Utilities (Continued):** The water mains must be extended to adjacent properties per our Rochester Public Utilities specifications. Specific routing of public utilities shall be addressed during the platting process.
- Parkland Dedication:** The property will not be used for residential development, therefore there are no parkland dedication requirements.
- Referral Comments:**
1. Rochester Public Works Department
 2. Planning Department – Wetlands staff
 3. Rochester Public Utilities – Water Division
- Report Attachments:**
1. Copy of General Development Plan
 2. Location Map
 3. Referral Comments (3)
 4. Memo from Yaggy Colby dated November 12, 2003.
 5. Copy of Substantial Land Alternation Map

Summary:

The applicant has petitioned to amend the southern portion (approximately 3.08) to the Arboretum Special District (SD #1) .

The applicant is proposing to amend the GDP for adding approximately 3.08 acres into the Arboretum Special District (SD #1) to accommodate commercial development.

Staff Suggested Findings and Recommendation:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the criteria for approval of a general development plan (see attached section from the newly adopted regulations, which became effective May 15, 1999.

- Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

Land uses within the amended GDP would be uniform with the underlying "medium density residential" land use designation for the property, which is located within the Arboretum Special District (SD #1).

- Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

Development of this property will require platting. Lot sizes, density, access and circulation will be considered during the platting process.

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The proposed "Public or Private" access road to 41st Street NW does not align with the approved controlled access opening identified on the Trailridge @ 41st Street by IRET Plat. If the proposed access location is approved, vacation of the existing controlled access, and new dedication of controlled access along the remaining frontage of 41st Street NW will be required through the platting process.

The proposed access to 41st Street NW should be a private drive, and based on the trip generation from the site, modifications may be required that would limit access to right in and right out traffic, and require the Owner to construct a right turn lane at 41st Street NW.

A new Traffic Impact Report (TIR) may be required to address the proposed land use change from residential to commercial uses.

Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

Not applicable.

Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

Development of this property will require platting.

The proposed "Public or Private" access road to 41st Street NW does not align with the approved controlled access opening identified on the Trailridge @ 41st Street by IRET Plat. If the proposed access location is approved, vacation of the existing controlled access, and new dedication of controlled access along the remaining frontage of 41st Street NW will be required through the platting process.

The proposed access to 41st Street NW should be a private drive, and based on the trip generation from the site, modifications may be required that would limit access to right in and right out traffic, and require the Owner to construct a right turn lane at 41st Street NW.

A new Traffic Impact Report (TIR) may be required to address the proposed land use change from residential to commercial uses.

Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

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1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

Development of this property will require platting.

The proposed "Public or Private" access road to 41st Street NW does not align with the approved controlled access opening identified on the Trailridge @ 41st Street by IRET Plat. If the proposed access location is approved, vacation of the existing controlled access, and new dedication of controlled access along the remaining frontage of 41st Street NW will be required through the platting process.

The proposed access to 41st Street NW should be a private drive, and based on the trip generation from the site, modifications may be required that would limit access to right in and right out traffic, and require the Owner to construct a right turn lane at 41st Street NW.

A new Traffic Impact Report (TIR) may be required to address the proposed land use change from residential to commercial uses.

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

Specific routing of public utilities shall be addressed during the platting process.

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

A 5 foot wide concrete sidewalk is required along the entire frontages of the property abutting 31st Avenue NW and 41st Street NW.

Storm Water Management must be provided for any future development and a Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP), for any areas of impervious surface that do not drain to an existing privately constructed detention facility approved to serve this property.

- Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

Storm Water Management must be provided for any future development and a Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP), for any areas of impervious surface that do not drain to an existing privately constructed detention facility approved to serve this property.

Grading and Drainage Plan approved is required for future development on this property.

- Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

Development of this property will be reviewed through the platting process.

Substantial Land Alteration:

This application includes a request for approval of land disturbing activities defined as Substantial Land Alteration according to Section 61.1101, 2.a.1 of the Rochester Zoning Ordinance and Land Development Manual (LDM). Section 62.1102 of the LDM allows the City to consider a request for excavation or substantial land alteration as part of a Type III application, such as amending a General Development Plan, subject to making findings established in Section 62.1105 and 61.146 of the LDM.

This development includes a proposal to change the grade in excess of a 10 foot vertical cut/fill from the pre-existing grades. The area where the grade is proposed to be changed, is located within the northern portion and southwestern portion of the GDP.

Sections 61.146, 62.1102 and 62.1105 of the LDM are attached.

Staff Suggested Findings:

If the City Council approves the proposed substantial land alteration, staff recommends the following findings to Section 62.1105 and 61.146 of the Rochester Zoning Ordinance and Land Development Manual:



62.1105

- 1) The activity should not result in danger to life or property. The street slopes on the site will be a maximum of 8% or less. The grading and drainage plans will need to comply with City standards and be approved by the Rochester Public Works Department.
- 2) The grading plan for this project needs to be approved by the Rochester Public Works Department and it will document the extent of the work. All cut material will be used on-site, therefore it will not be necessary to haul fill from the site. Noise and dust control will need to comply with City standards.
- 3) The equipment conducting the grading work on the property will also be the equipment utilized to move the earth. All excess material will be used on the site. It will not be necessary to truck in fill or haul fill from the site, which will minimize the impact on the surroundings roads.
- 4) The proposed excavation work should not affect air quality or ground and surface water quality.
- 5) The proposed grading work should not adversely affect the scenic quality of Rochester. There will not be any steep slopes or exposed rock faces. The natural topography of the area is being re-graded to provide adequate slopes for commercial development.
- 6) The result of the proposed activity will be compatible with existing development and development anticipated in the future. The finished result of the grading work will allow for development that is consistent with the Arboretum Special Zoning District.
- 7) The grading will be confined to the property and should not affect the use and enjoyment of adjacent properties. The duration of the excavation activity is expected to be completed within two phases during 2005 & 2006.
- 8) The grading will be completed within two phases during 2005 & 2006. There is residential development to the west that will be visually affected by the grading activity for only a short time during the grading process. Noise and dust control will need to comply with City standards.
- 9) The grading and drainage plan will need to provide the proper restoration and stabilization in accordance with the adopted codes for the City of Rochester.
- 10) The grading and drainage plans will need to be reviewed and approved by the City. Stormwater management will be required for the development.
- 11) The areas of grading do not contain sinkholes or wetlands and should not effect the ground water or surface quality once restoration and stabilization is completed.
- 12) The grading work is expected to be completed within two phases during 2005 & 2006. The duration seems appropriate for this type of activity and the size of the project.
- 13) The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.

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- 14) Surety will need to be provided that guarantees the site will be fully restored after the completion of the excavation activity. This surety can be provided through the owner-contract process for this development. If grading is to occur prior to an owner-contract, a separate surety will need to be provided.
- 15) The grading and drainage plan will need to be approved by the Rochester Public Works Department prior to any grading on the property.

The Planning Staff would suggest the following findings for Section 61.146:

- 1) Not applicable.
- 2) Not applicable.
- 3) Not applicable.
- 4) The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.
- 5) Not applicable.
- 6) Not applicable.
- 7) Not applicable.
- 8) Not applicable.

Staff Recommendation:

Staff recommends the following conditions or modifications to assure compliance with the Rochester Zoning Ordinance and Land Development Manual and applicable criteria:

- 1. Development of this property shall required platting.***
- 2. The water mains must be extended to adjacent properties, per Rochester Public Utilities requirements. Specific routing of public utilities will be addressed during the platting process.***
- 3. The Owner shall provide a 5 foot wide concrete sidewalk along the entire frontages of the property abutting Arboretum Drive NW and 41st Street NW.***
- 4. The proposed access road to 41st Street NW does not align with the approved controlled access opening identified on the Trailridge @ 41st by IRET Plat. If the proposed access location is approved, vacation of the existing controlled access and new dedication of controlled access along the remaining frontage of 41st Street NW will be required through the platting process.***
- 5. The proposed access to 41st Street NW shall be a private drive, and based on the trip generation from the site, modification may be required that would limit access to right in & right out traffic, and require the Owner to construct a right turn lane on 41st Street NW. A new Traffic Impact Report (TIR) may be required to address the proposed land use change from residential to commercial uses.***

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6. *A Development Agreement has previously been executed for that part of this Property included in the Trailridge @ 41st by IRET Plat. The existing Agreement was based on proosed residential development. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City for the entire Property, that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, pedestrian facilities, right-of-way dedication, access control, extension of utilities for adjacent properties and contributions for public infrastructure.*
7. *Grading and Drainage Plan approved is required for future development on this Property.*
8. *Storm Water Management must be provided for any future development, and a Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP), for any areas of impervious surface that do not drain to an existing privately constructed detention facility approved to serve this Property.*
9. *A separate surety in an amount and form approved by the City Engineer, shall be required for the proposed Substantial Land Alteration (SLA), unless the restoration work for the SLA is specified by the Owner's Contractor as being included in the Bonds for the City-Owner Contract required for basic construction within this development.*

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Criteria for Approval of a General Development Plan

In approving a General Development Plan, the Council shall make each of the following findings:

- A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.
 - B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.
 - C. The mix of housing is consistent with adopted Land Use and Housing Plans.
 - D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.
 - E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.
- 3. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.
 - 4. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.
 - 3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

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- F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.
- G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

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Land Development Manual Excerpts Substantial Land Alteration

62.1102 Exempt Activities:

- 1) Except as required for a reclamation plan, which may be imposed on any of the following activities as part of any required City permit or approval process, the provisions of these Sections 62.1100 through 62.1113 shall not apply to the following activities:
 - a) The land area included within 15' or as reasonably defined by the City Engineer to allow soil stabilization of the identified boundaries of a building submitted for a building footing and foundation permit.
 - b) Stormwater management facilities or other public infrastructure approved by the City.
 - c) Excavations or blasting for wells, tunnels or utilities that have received all necessary governmental approvals.
 - d) Refuse disposal sites controlled by other applicable City, State or federal regulations.
 - e) On-going cemetery (burial) operations.
 - f) Development activity for which a general development plan, subdivision permit or other Type III approval has resulted in the review of the proposed cut and fill work and for which a grading permit is required. To qualify for this exemption, the Council shall have made the findings established in Section 62.1105.
 - g) Uses in the Central Development Core (CDC) District.

62.1105 Findings Necessary for Issuance of a Conditional Use Permit:

The City shall approve a conditional use permit authorizing an excavation activity only if all of the following findings with respect to the proposed activity are made, in addition to those listed in Section 61.146:

- 1) The activity will not result in a danger to life or property due to (1) steep or unstable slopes, (2) unsafe access to the property, (3) excessive traffic, or (4) proximity to existing or planned residential areas, parks and roadways;
- 2) Visual, noise, dust, and/or excessive on- or off-site environmental impacts on public parks, roadways and residential areas can be adequately mitigated by the Applicant and a fully detailed plan is submitted by the Applicant to demonstrate the mitigation methods to be used, the cost of such mitigation, the source of funds for such mitigation, and adequate legal assurance that all of such mitigation activities are carried out;
- 3) The use of trucks and heavy equipment will not adversely impact the safety and maintenance of public roads providing access to the site, or such impacts will be mitigated;

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- 4) The proposed use will not adversely affect air quality or ground water or surface water quality;
 - 5) The proposed use will not adversely affect the scenic quality of Rochester or the natural landscapes, environment, wildlife and wildlife habitat; or if such effects are anticipated to occur, the reclamation plan provides for adequate restoration of the site following completion of the excavation activity;
 - 6) The activity will be compatible with existing development and development anticipated in the future, including other uses as shown in the Comprehensive Plan, including but not limited to: patterns of land use, recreational uses, existing or planned development, public facilities, open space resources and other natural resources;
 - 7) The activity will not unduly affect the use and enjoyment of adjacent properties;
 - 8) The site plan provides for adequate buffers and screening year-round from unsightly features of the excavation operation;
 - 9) The reclamation plan provides for adequate and appropriate restoration and stabilization of cut and fill areas;
 - 10) The excavation activity will not result in negative impacts on drainage patterns or stormwater management facilities;
 - 11) The proposed activity will minimize impacts on sinkholes, wetlands and other natural features affecting ground water or surface water quality;
 - 12) The intensity and the anticipated duration of the proposed excavation activity is appropriate for the size and location of the activity;
 - 13) Permanent and interim erosion and sediment control plans have been approved by the City;
 - 14) Surety has been provided that guarantees the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive Plan, neighborhood plans, the Land Use Plan and applicable City policies.
 - 15) The proposed activity complies with the requirements of the adopted building code.
- 61.146 Standards for Conditional Uses: The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:
- 1) Provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.

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- 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.
- 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.
- 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
- 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
- 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
- 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
- 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.

61.147 Conditions on Approval: In considering an application for a development permit to allow a Conditional Use, the designated hearing body shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Paragraph 61.146.

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 11/26/03

The Department of Public Works has reviewed the application to Amend the Arboretum Special District #1 and Arboretum GDP#83. The following are Public Works comments on this request:

1. Development of this property will require platting.
2. A Development Agreement has previously been executed for that part of this Property included in the Trailridge @ 41st by IRET Plat. The existing Agreement was based on proposed residential development. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City, for the entire Property, that outlines the obligations of the applicant relating to, but not limited to stormwater management, transportation improvements, pedestrian facilities, right-of-way dedication, access control, extension of utilities for adjacent properties & contributions for public infrastructure.
3. Storm Water Management must be provided for any future development, and a Storm Water Management fee will apply for participation in the City's Storm Water Management Plan (SWMP), for any areas of impervious surface that do not drain to an existing privately constructed detention facility approved to serve this Property.
4. Grading & Drainage Plan approval is required for future development on this Property.
5. The proposed "Public or Private" access road to 41st St NW does not align with the approved controlled access opening identified on the Trailridge @ 41st by IRET Plat. If the proposed access location is approved, vacation of the existing controlled access, and new dedication of controlled access along the remaining frontage of 41st St NW will be required through the platting process.
6. The proposed access to 41st St NW should be a private drive, and based on the trip generation from the site, modifications may be required that would limit access to right in & right out traffic, and require the Owner to construct a right turn lane on 41st ST NW.

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

7. The Owner is obligated to provide a 5 foot wide concrete sidewalk along the entire frontages of the property abutting 31st Ave NW and 41st St NW.
8. A new TIR may be required to address the proposed land use change from residential to commercial uses.
9. Specific routing of public utilities will be addressed during the platting process.
10. A separate surety in an amount and form approved by the City Engineer, will be required for the proposed Substantial Land Alteration (SLA), unless the restoration work for the SLA is specified by the Owner's Contractor as being included in the Bonds for the City-Owner Contract required for basic construction within this development.

Note: The area of this Property platted as Lot 2, Block 1, Trailridge @ 41st by IRET has previously been charged for all development related charges with the exception of Storm Water Management. The remainder of the Property is subject to development charges and fees that will be addressed in the Development Agreement, and will include, but not be limited to the following (rates are subject to annual review and change and are current through 7/31/04).

- ❖ J9349 for Sub-trunkline Sanitary Sewer in 41st St NW @ \$828.50 per developable acre, + 7.5% interest from 11/18/96
- ❖ Water Availability Charge (WAC) @ \$1851.12 per developable acre
- ❖ Storm Water Management Charge, for the benefit of participation in the City's Storm Water Management Plan (SWMP) - TBD at the time of individual parcel development.
- ❖ First Seal Coat @ \$0.51 per sq. yd. Of public street surface.
- ❖ Traffic Signs as determined by the City of Rochester Traffic Division.

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WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Arboretum GDP 83 and Special District

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☒ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☐ Other or Explanation:

A wetland found on the northwest edge of the property that is less than 2000 square feet in area this exempt. See file #99-19.



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211

November 25, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Amendment to the Arboretum Special District #1 and the Arboretum General Development Plan #83 by Cordul Establishment and Michael Younge to add 3.08 acres of land to the Special District, and amend the GDP to designate the property for commercial uses. Also the applicant is requesting approval of a Substantial Land Alteration permit to change the grades on the site by 10' or more. The property is located along the north side of 41st St. NW and east of Arboretum Dr. NW.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

1. This property is within both the Main Level Water System Area, which is available along the entire south side and the Intermediate Level Water System Area, which is available within Arboretum Dr. NW.
2. Static water pressures from the Main Level System would range from the mid 40's to the low 60's PSI depending on final grades. The static pressure from the Intermediate Level System would be approximately 74 PSI at elevation 1060.
3. Networking of this area from either or both of these systems is required to provide adequate flows for fire protection and water quality.
4. The water mains must be extended to adjacent properties per our requirements.
5. We will need to work closely with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Gale Mount, Building & Safety
Yaggy Colby Associates
Michael Younge

Rochester Public Utilities, 4000 East River Road NE, Rochester, Minnesota 55906-2813
telephone 507-280-1540 facsimile 507-280-1542

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